

19 OCT 1976

MEMORANDUM FOR: Director of Central Intelligence

FROM: [REDACTED]
Acting Director of Security

SUBJECT: FBI Liaison

1. This memorandum is for your information only.
2. Over recent months, in several cases that have already been brought to your attention, a major barrier to effective Agency/FBI liaison relationships has become painfully clear. It is that the Bureau, operating under November 1969 Department of Justice guidelines, is unable to proceed beyond preliminary investigation on cases of apparent compromise of classified information until given a positive go-ahead by the Department of Justice which, in turn, concentrates on the issue of successful prosecution.
3. The November 1969 guidelines stress the issue of "whether the data can be declassified for the purpose of prosecution and, if so, the name of the person competent to testify concerning the classification." Thus, the "Catch 22" situation is produced whereby the very data whose sensitivity/classification leads to Agency concern must be adjudged nonsensitive/declassified before the Department of Justice, and hence FBI, feel strongly motivated to press an investigation as a prelude to prosecution.
4. With the Agency precluded from conducting domestic investigations into such matters and Justice/FBI holding back pending a favorable declassification judgment, it would appear that there is a vacuum in the protection of national security information. Accordingly, there are situations of document compromise where the failure to declassify the items in question can block either the Agency or the Bureau from investigating.

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5. I am attaching [redacted] 7 October letter to the Department of Justice which effectively illustrates the instant problem as it impacts on the Village Voice (Daniel Schorr) case.

6. Since you are lunching with Mr. Kelley on 14 October, you may wish to again confer with him on this issue.

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Att

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ADD/Sec/[redacted]:lw (13 Oct 76)

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